

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH, GA.

2011 APR 25 AM 10:23

CLERK *RW*
SO. DIST. OF GA.

EMANUEL LOVELL WEBB,

Plaintiff,

v.

CIVIL ACTION NO.: CV611-010

TOOMBS COUNTY SUPERIOR
COURT and CHESS FOUNTAIN,
Clerk, Toombs County Superior Court,

Defendants.

ORDER


After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Plaintiff states Defendants have directly hindered his efforts to seek post-conviction relief.

To state a valid access to courts claim, "a plaintiff first must show actual injury before seeking relief. . . . This essential standing requirement means that [a defendant's] actions that allegedly violate an inmate's right of access to the courts must have impeded the inmate's pursuit of a nonfrivolous, post-conviction claim or civil rights action. To prevail, a plaintiff must provide evidence of [] deterrence, such as denial or dismissal of a direct appeal, habeas petition, or civil rights case that results from actions of [a defendant]. Wilson v. Blakenship, 163 F.3d 1284, 1290-91 (11th Cir. 1998) (internal citations omitted). Plaintiff states his effort at post-conviction relief have been

hindered, but has provided no evidence of a denial or dismissal of any post-conviction relief he has sought.

Plaintiff's Objections are without merit and are **OVERRULED**. The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court. Plaintiff's complaint is **DISMISSED**. The Clerk is authorized and directed to enter the appropriate Judgment of dismissal.

SO ORDERED, this 25 day of April, 2011.


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA